

Meeting of 2005-5-10 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MAY 10, 2005 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor John Dunaway, Abundant Life Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Rex Givens, Ward Two  
   Janice Drewry, Ward Three  
   Keith Jackson, Ward Four  
   Robert Shanklin, Ward Five  
Jeffrey Patton, Ward Six  
   Stanley Haywood, Ward Seven

ABSENT:                      Randy Warren, Ward Eight

PRESENTATION OF CITIZEN OF THE MONTH TO LISA JOHNSON

Edwina Reddick-Scott, Mayor s Commission on the Status of Women, introduced Lisa Johnson as Citizen of the Month for May. She is being recognized for the countless hours she provides to our community. She has dedicated her time and talents to organizations as the United Way, Boulevard of Lights, Salvation Army and the J. Roy Dunning Children s Shelter. She participates in the neighborhood watch association and as a leader and representative for the Fort Sill Family Rediness Groups. Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, a Certificate of Commendation from the Mayor s Office, and a Mayor s Do What s Right coin. He commended Ms. Johnson on her volunteer efforts and thanked her for her service to the community. Ms. Johnson stated that as a citizen of Lawton, everyone should be active in their community and give back to those who are not as fortunate. She stated as a military spouse, she does care about the community she lives in.

David Snider, Library Director, stated that two years ago the Lawton Public Library received a grant from the Oklahoma Department of Libraries to provide Spanish speaking tutors. He introduced Denise Fluesche, Technical Services Librarian, who coordinated the project. She stated she worked with Mrs. Patton at Eisenhower High School and the Spanish club members, who have become tutors for citizens of Lawton. She introduced the members who participated in this project which included Mrs. Marielle Patton, Maria Kalato, Stephan Medina, Mary Ann Sosa, Brent Gardner and Riden Neil. Mayor Purcell presented Mrs. Patton with a Certificate of Appreciation.

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda, please come forward at this time.

Buford Rooks, 6410 NW Compass Drive, stated he read an article about easements and properties and questioned if the City Council was serious about the issue. He stated two years ago his neighbor built a building and a fence nine feet on his property. He has had the property surveyed. He stated Councilman Warren came to his home and spoke with his neighbor and advised him not to build the fence. He has been trying for over two years to get the building and fence off his property. He went to court on July 12, 2004 and the judge ruled that his neighbor could use his property until his neighbor died, then his heirs would have thirty days to move the building and fence off his property. He has spoken to Neighborhood Services and the Planning Division.

Vincent questioned in what court the case was heard.

Mr. Rooks stated it was in Comanche County Court.

Vincent stated that Mr. Rooks attorney has the right to take other legal action and it is out of the hands of the City of Lawton. We cannot overrule a court order.

Steve Smith, 1008 Ferris, stated the house directly behind him at 1007 Euclid is abandoned and is creating a health hazard. He wanted to find out when the city is going to do something about it.

Shanklin stated he spoke with Melissa Laycock, Neighborhood Services Supervisor, and she will abate the property until they can get a court order to tear it down. It will be mowed and secured. He asked Laycock to meet with Mr. Smith.

Burl Boyce, 4630 NW Meadowbrook, stated that Lawton is the only city with a population over 30,000 that does not have a stormwater drainage ordinance. Stormwater drainage costs the city from 1 million to 1.5 million dollars to fix the flooding and water run off damage from our streets. In 1990 developers could not build in the flood plain, flood fringe or flood way. In 1996, Lawton lost the stormwater drainage ordinance due to developers control. Developers are no longer responsible for upstream or downstream flooding. Developers feel it would be an expensive and unnecessary burden. He stated it will not cost the city a penny to pass a stormwater drainage ordinance and will save our streets.

Mayor Purcell stated they are looking at a new stormwater drainage ordinance that will eventually be looked at by the City Council.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF APRIL 19, 2005.

MOVED by Givens, SECOND by Patton to approve the Minutes of April 19, 2005. AYE: Jackson, Shanklin, Patton, Haywood, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

CONSENT AGENDA: Mayor Purcell asked that Items 7 and 17 be stricken and Shanklin requested separate consideration for Items 4, 12, 18, 19 and 20.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 4, 12, 18, 19 and 20. AYE: Shanklin, Patton, Haywood, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Doris and Ben Benson in the amount of \$188.00 and John Joesil in the amount of \$801.33. Exhibits: Legal Opinions/Recommendations; Resolution No. 05-\_\_.

2. Consider the following damage claim recommended for denial: Crystal Moon in the amount of \$275.00. Exhibits: Legal Opinion/Recommendation.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Mark Preston Culp in the Workers Compensation Court, Case No. 2004-01748X. Exhibits: Resolution No. 05-\_\_.

4. Consider authorizing staff to use 2000 CIP Citywide Water Distribution Improvement funds for the Lake Ellsworth Bypass Project # 2004-2 and installing a 42 valve on the Waurika pipeline near Lake Ellsworth. Exhibits: None

Shanklin stated that this item should not be on the consent agenda but out where the taxpayers can see how their money is being spent. He asked Jerry Ihler, Public Works Director to talk about this item.

Ihler stated in December of 2004, staff held a workshop for the City Council and discussed several alternatives that would allow them to bypass Lake Ellsworth as they are pumping from Lake Waurika. As they get into certain elevations, if Lake Ellsworth gets below a certain elevation, they are no longer able to pump from Ellsworth over to Lake Lawtonka. This means they cannot utilize the water from Waurika. This bypass line will allow them to continue to utilize Waurika water should the elevation of Ellsworth get too low. Currently the Fort Sill National Cemetery has a project where they are tying in to the Waurika pipeline and using Ellsworth water for irrigation at the cemetery. While they are constructing this project, the City wants to be able to utilize \$13,000 from that fund to install a 42 valve on that line. They will not have to discontinue pumping when the city does their construction. If the City installs this valve now, the Waurika pipeline is interrupted just one time.

Mitchell questioned if staff is close to having an RFP.

Ihler stated no, they are still in the process.

MOVED by Shanklin, SECOND by Haywood, to authorize the use of 2000 CIP Citywide Water Distribution Improvement funds for the Lake Ellsworth Bypass Project #2004-2 and to install a 42 valve on the Waurika pipeline near Lake Ellsworth. AYE: Patton, Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

5. Consider adopting a resolution amending Resolution 04-69 to correct a scrivener s error. Exhibits: Resolution 04-69, Resolution 05-\_\_.

6. Consider approving an extension of the Retainer Agreement for Legal Services between the City of Lawton and John P. Zelbst Law Firm to continue representing three Lawton police officers being sued in their individual capacities in a case originally filed by former Drug Enforcement Administration agent Kevin D. Waters in Comanche County District Court (now re-filed in U.S. District Court in Oklahoma City) and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Legal Services is on file in the City Clerks Office.

7. Consider approving the First Amendment to the Outside Water Sales Contract with Tri-Creek Water Association, Inc., which would increase the maximum number of individual meters from four (4) to eight (8), and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Request letter, First Amendment is on file in the City Clerks Office.

8. Consider endorsing the Federal Fiscal Year 2006-2008 Transportation Improvement Program (TIP) for the Lawton Metropolitan Area. Exhibits: FFY 2006-2008 TIP.

9. Consider endorsing the Federal Fiscal Year 2005-2006 Unified Planning Work Program (UPWP) for the Lawton Metropolitan Transportation Planning Process. Exhibits: FFY 2005-2006 UPWP.

10. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization (LMPO) for metropolitan transportation planning for Fiscal Year 2005-2006 for the Lawton Metropolitan Area and authorize the Mayor to execute. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.

11. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization (LMPO) for Congestion Mitigation Air Quality Campaign during Fiscal Year 2005-2006 and authorize the Mayor to execute. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.

12. Consider adopting a Resolution in Support of Columbia Square Limited Partnership in their efforts to rehabilitate a housing project at 305 NW 4<sup>th</sup> Street, Lawton, Oklahoma for consideration by the Oklahoma Housing Finance Agency (OHFA) for the award of Oklahoma Affordable Housing Tax Credits. Exhibits: Resolution No. 05-\_\_.

Shanklin stated that previously a representative from Columbia Square Limited Partnership stated they were going to spend \$51,000 a unit to remodel the housing development. He stated someone cannot borrow that kind of money per unit anywhere in Lawton. He stated these folks are going to spend \$7 million dollars to remodel Columbia Square, but they are really not spending that money, and the City Council does not need to be a party to it. He is not against Section 8 housing, but have they even addressed whether or not they can put a fence around this property. They need to tell the Council how they are going to spend \$51,000 per unit. What are we supporting.

Mitchell stated the resolution is asking the Council to support their application to the Oklahoma Housing Finance Authority. The fence issue will come before the City Council during the public hearing for CDBG funding.

Shanklin questioned how can they ask for \$50,000 for a fence when they are spending \$51,000 on an apartment. It is not true.

Mitchell stated this has to do with local commitment. It will give them additional points on their application.

Shanklin stated he guessed he is getting ahead of himself. He just wants to know how they are going to spend \$51,000 per unit.

Chris Nervig, Columbia Square Limited Partnership, stated she can talk about this project or wait until the CDBG public hearing the following week.

Shanklin stated it is insulting everyone s intelligence by spending \$110,000 on a remodel. He said it stated in the minutes that the second and third mortgage does not have a debt service. How do you get rid of it?

Ms. Nervig stated the second and third mortgages are HUD insured mortgages and are soft mortgages.

Shanklin questioned if they refinance \$7 million dollars.

Ms. Nervig stated it is a \$7 million project, which has a \$1.2 million dollar debt mortgage that has to be debt serviced. The reason they are asking for the tax credit resolution is so they can get the tax credit from OHFA to sell for \$4 million with equity in the project.

Haywood questioned if all the building materials would be purchased locally.

Ms. Nervig said that bids would be published and every local contractor would have an opportunity to bid. They firmly believe in using local contractors and suppliers to the best extent possible.

Shanklin asked staff to research the requirement to integrate. He questioned if this project isolated certain groups of people.

Ms. Nervig stated this project is for Section 8 eligible tenants.

Shanklin stated he understands that they just have to qualify. He has a problem with them spending \$4 million dollars on the remodeling of 64 apartments. He stated he knows that is not true. How does the federal government continue to allow discrimination by isolating a certain element of people.

MOVED by Shanklin, SECOND by Drewry, to adopt resolution No. 05- \_\_\_\_ in support of Columbia Square Limited Partnership in their efforts to rehabilitate a housing project at 305 NW 4<sup>th</sup> Street for consideration by the Oklahoma Housing Finance Agency (OHFA) for the award of the Oklahoma Affordable Housing Tax Credits. AYE: Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

13. Consider approving a request to enter into a memorandum of understanding between the City of Lawton and the Oklahoma Office of Homeland Security for the purpose of assigning the City of Lawton's share of 2004 Homeland Security Grant Program for the Statewide Criminal Justice Portal and Information Sharing Program in accordance with guidelines to the Oklahoma State Bureau of Investigation. Exhibits: Copy of Memorandum of Understanding, Letter to Chief of Police from OKOHS.

14. Consider approval of an agreement between the City of Lawton and the National Academy of Emergency Medical Dispatch to sponsor a 3-Day Emergency Medical Dispatch Training and Certification Course. Exhibits: None

15. Consider approving the lease agreement between the City of Lawton and the Community Development Institute Head Start, a Colorado nonprofit organization (CDI HS). Exhibits: Proposed Lease Agreement on file in the City Clerk's office.

16. Consider approving the work performed by ZIA Corporation for professional environmental engineering services for clean up of the Abandoned Wastewater Treatment Plant (AWWTP) and authorizing ZIA to proceed with the investigation and remediation phase of the process. Exhibits:

17. Consider accepting a permanent easement from the Comanche County Commissioners that is needed for the School House Slough Restroom, Lift Station and Force Main Project 2001-17, and authorize the Mayor and City Clerk to execute the easement. Exhibits: Easement is on file in the City Clerk's office.

18. Consider accepting documents needed for the School House Slough Restroom, Lift Station and Force Main Project 2001-17, and authorize the Mayor and City Clerk to execute the documents and authorize payment to the property owners as listed below. Exhibits: Payment request letter, Easements are on file in the City Clerk's office.

Shanklin stated they are talking about a lot of money, and the taxpayers need to know that we are working on some projects. The public needs to be made aware that the city spends money on more than just wages.

MOVED by Shanklin, SECOND by Patton, to accept documents needed for the School House Slough Restroom, Lift station and Force Main Project 2001-17, and authorize the Mayor and City Clerk to execute the documents and authorize payment to the property owners. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

19. Consider acknowledging receipt of a grant in the amount of \$368,344.00 from the Oklahoma Department of Wildlife Conservation for the construction of the School House Slough Restroom, Lift Station and Force Main Project 2001-17. Exhibits: None

Mitchell stated that about every department within the city has been working on this grant for the last three years.

Tom Spears, 83 Mount Scott Circle, stated that Lake Lawtonka and the City have been using the lagoon owned by the Lakeland Addition for sewage disposal. He stated that Lakeland Addition Association has no objection to the City using the lagoon and does not want the City to stop using the lagoon. The newspaper has reported that

Lakeland Addition is going to terminate the City's use of the lagoon at the end of the contract next September. He stated someone from the association went to the City Attorney and was told that they do not have legitimate right of way for pipe to go from Lake Lawtonka to the lagoon. They looked into that issue and found out they did have right of way but never recorded it with the County. Late last year they did get the right of way recorded at the county and provided that information to the City. Early this year a newspaper stated that justification of the grant was because the City was soon to lose access to Lakeland lagoon. In February, association members met with Mr. Smith, from Public Works, and asked why they kept insisting that the association did not want the City to use their lagoon. Mr. Smith stated he understood that they did not have right of way access. They gave Mr. Smith the documentation and he said he would provide it to the City Attorney. He suggested they write a letter to Mr. Ihler, according to their contract a communication must be sent registered letter to the City Clerk. He sent a letter on March 12th by registered mail to the City Clerk and a copy to Mr. Ihler stating that the Lakeland Addition was benefiting from the City using their lagoon and also the City was benefiting as well. Since there was mutual benefit they should continue the contract when it expired. He received no reply from the City.

Mr. Spears stated that there was another article in the paper on April 21<sup>st</sup> reporting the approval of the Department of Wildlife Conservation Grant. The article stated that the City will not be able to continue the Lakeland Addition sewer lagoon and has been searching for a solution to address sewer needs for the Lawtonka area. He knew that Lakeland Addition was not asking the City to leave the lagoon. There were two homeowners that felt the association would get along better without the City, but the other 27 homeowners did not want to lose the contract. They benefit from the engineering, testing and maintenance of the lagoon. After reading the April 21<sup>st</sup> article, he called Mr. Ihler and asked why the City was not planning to use the Lakeland lagoon. Mr. Ihler said the Lakeland Association does not want to extend the contract and the 17 new houses in Lakeland North will overuse the lagoon. They will not have sufficient quantity of lagoon space for existing city flow. Lakeland North has never been planned and is no longer in consideration. Lakeland North no longer exists as an entity because they failed to file the bylaws to apply to Lakeland North. Mr. Ihler said that School House Slough concessionaire intends to increase the number of recreational lots and the lagoon does not have the capacity to accept that. When they bought the lagoon property, they bought an additional three acres for the City to use. The City uses 2.9 of those acres, they have another .77 acres that they have not dug a cell. This was specifically to expand in case they needed to enlarge the lagoon for the City. Mr. Ihler told them he was waiting for the May 10<sup>th</sup> City Council meeting to receive the approval of the grant and the matching funds then he would reply to their letter and inform the association of the City's plans. He told Mr. Ihler that it would be beneficial to extend the contract and not apply for state funds for a useless pipeline for seven miles to Robinson's Landing. The justification the City is using to request this grant is simply not true. It is not true that the Lakeland Addition Association will not let the City use the lagoon. If the state knows this is not true, will they want to fund the lift station and pipeline.

Vincent stated the documents given to Mr. Smith do not correspond with the easement they have from the private individual where the pipeline is actually located. That easement expires this October.

Mr. Spears stated that their lawyer, Mr. Mackey, had the survey done.

Vincent stated the lease with Lakeland Addition expires in 2007. In order for the City to expand to comply with the School House Slough concession lease they have to expand the Lakeland lagoon system. One of the requirements on Mr. Waller is that he has to pump the Lakeland lagoon and haul to the City's wastewater treatment plant if the Lakeland lagoon gets too full. At the time they started looking into the situation, the City did not have sufficient land available through the homeowners association to expand Lakeland lagoon. It could not be done to accomplish the School House Slough project and the new restroom. He got with Mr. Mackey and realized that some of the land that the association thinks they own or have control of, they don't. The association may have solved that problem by now. In 2002, there was a letter signed by the president of the association stating that they did not want to extend the contract.

Mr. Spears stated that letter was not in their files. He requested a copy of that letter. He only wanted to argue the use of the justification. If the City Attorney has a letter, that justification may be true. They have notified the City of Lawton, unofficially, that they would like to maintain the contract.

Mayor Purcell questioned if Mr. Spears sent the letter in March of 2005. He asked if Mr. Ihler had a copy.

Mr. Spears stated the letter was sent certified to the attention of Mr. Ihler, so it may have gone directly to Public Works.

Mayor Purcell stated they needed to get a copy to the City Clerk.

MOVED by Drewry, SECOND by Givens, to acknowledge receipt of a grant in the amount of \$368,344 from the Oklahoma Department of Wildlife Conservation for the construction of the School House Slough restroom, lift station and force main Project #2001-17. AYE: Shanklin, Patton, Haywood, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

20. Consider approving plans and specifications for the School House Slough Restroom, Lift Station and Force Main Project 2001-17 and authorizing staff to advertise for bids. Exhibits: None

MOVED by Shanklin, SECOND by Patton, to approve plans and specifications for the School House Slough Restroom, Lift Station and Force Main Project #2001-17 and authorize staff to advertise for bids. AYE: Patton, Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

21. Consider approving Contract Amendment #4 with Burns & McDonnell Engineering Company, Inc. for Air Quality Tier II Testing, Analysis, and Reporting Services for the City of Lawton Landfill. Exhibits: Amendment #4 to Agreement.

22. Consider approving plans and specifications for the Highland Cemetery Road Overlay Phase III Project #2005-11 and authorizing staff to advertise for bids. Exhibits: Location Map.

23. Consider awarding contract for Laboratory Services of Toxic Pollutants (CL05-046). Exhibits: Department recommendation and Abstract of Bids.

24. Consider awarding contract for Refuse Collection Bodies (CL05-045). Exhibits: Department recommendation and Abstract of Bids.

25. Consider rejecting bids for Rock Hauling (CL05-044). Exhibits: Department recommendation.

26. Consider approving the following contract extensions: Custodial Maintenance Group I (CL02-061) with Pride Janitorial Building Maintenance, Testing Services (CL03-069) with QuanTem Labs Engineering. Exhibits: None

27. Consider approving appointments to boards and commissions. Exhibits: None

28. Consider approval of payroll for the period of April 25, 2005 to May 8, 2005. Exhibits: None.

#### BUSINESS ITEMS:

29. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from R-4 (High Density Apartment District) to C-2 (Planned Neighborhood Shopping Center District) zoning classification located at 2901 NW 40<sup>th</sup> Street. Exhibits: Resolution No. 05-\_\_\_, Ordinance No. 05-\_\_\_, Location Map, Site Plan, Applications, CPC Minutes.

Debra Jones, Acting Director of Planning, stated this property is an approximately 5.2 acre tract located at the southeast corner of NW 40<sup>th</sup> Street and Rogers Lane. The property owners, Michael and Kristen Corrales, have signed the rezoning application. The proposed use is a miniwarehouse facility.

The zoning of the surrounding area is R-1 (Single-Family Dwelling District) and R-4 to the south and west, R-4, C-2, and C-1 (Local Commercial District) to the east, and to the north is Fort Sill. The land use of the surrounding area is Fort Sill to the north, single-family residential to the south, Sports Academy and vacant to the east, and single-family and multi-family residential to the west.

The 2025 Land Use Plan designates this area as Residential/High Density. A portion of the tract is in the flood fringe, and there is floodway to the east between this tract and NW 38<sup>th</sup> Street. No access is available from Rogers Lane; the only access is from NW 40<sup>th</sup> Street. Even though NW 40<sup>th</sup> Street is classified as a local street and serves a residential neighborhood, the drive opening to this tract would be located within the first block of NW 40<sup>th</sup> Street south of Rogers Lane, which should not cause any traffic problems for the residential neighborhood. Because of the flood fringe, a special flood hazard development permit must be obtained during the building permit phase. Due to the shape and topography of the tract and the limited access, this site is not desirable for multi-family residential. C-2 is the most restrictive zoning classification which allows miniwarehouses as a permitted use. The City Code provides that miniwarehouses in the C-2 district must be used for storage of personal property, no outside storage of personal property is allowed, no separate utility connections are allowed, screening must be provided, and parking and driveways must be paved with sealed surface pavement.

On April 14, 2005, the City Planning Commission held a public hearing and reviewed this request. During the public hearing two persons spoke against the request, and one person spoke in favor of the request. The Commission, by a vote of 5 to 3, recommended approval of the request.

Notices of public hearing were mailed to property owners within 300 feet of the requested area on April 19, 2005, and proper notice was published in *The Lawton Constitution* on April 24, 2005.

Jones stated that earlier in the meeting a question arose over the use of floodplain. Their regulations on floodplain development were not changed when the City Council deleted the stormwater detention requirement. You may not

construct anything in floodway. There is a potential for construction in flood fringe, but must be done by a flood hazard permit.

Shoemate stated he has received calls from citizens concerned with all the construction on 38<sup>th</sup> Street. More people are using 40<sup>th</sup> Street causing a traffic jam.

Jones stated the only access to this tract is by NW 40<sup>th</sup> Street. When ODOT constructed Rogers Lane, they acquired all the access rights. No driveway can be permitted off of Rogers Lane.

Jackson stated Rogers Lane was built as a limited access road. He was opposed to the access on 40<sup>th</sup> Street, but understands why it had to happen. All access from this mini warehouse will either come down 40<sup>th</sup> Street or try to access Rogers Lane. He foresees possible traffic accidents and some real problems.

Jones stated this tract is zoned for multi family development, so someone could build a large number of apartments on this tract at the present zoning, which would have a higher traffic generation than miniwarehouses.

Jackson stated in the future, they need to look at split level interchanging at 52<sup>nd</sup> Street as well as 38<sup>th</sup> Street.

Patton stated that no matter what is built on this tract, citizens would still have to have an access. It would be much better to have a storage facility than a high-density apartment.

#### PUBLIC HEARING OPEN

Kenneth Hayes, 2263 NW 40<sup>th</sup>, stated he bought his property many years ago with the feeling that it was a quiet neighborhood that would increase in value. He stated he has a petition with 22 signatures from residents who object to this project. He feels this project would decrease the value of their property and increase the noise level. He is concerned that hazardous materials may be stored in the buildings and that other businesses will move into the area.

Patton stated the property is currently zoned for high density, so someone could build multi-unit apartments and the City Council could be powerless.

Mr. Hayes stated that 40<sup>th</sup> Street is turning into a race track. It is a hazard just backing out onto the street. It is a narrow curb street and he feels that in the future, it will need to be widened and repaved.

Mayor Purcell asked Mr. Hayes to please leave the petition and asked the Chief of Police to check into the speeding issue.

Kelly Jones, 4420 Allan-A-Dale Lane, stated he supports the rezoning. There is the possibility of building high-density apartments on the property. He wants to build a storage facility that he will be proud of and will benefit the artistic view of Rogers Lane. He has been building in Lawton all his life and for the last ten years he has built storage facilities all over the United States. He knows how to provide a state of the art facility which all of the Lawton and Fort Sill residents can use with confidence and convenience. The facility will also create several jobs. The facility will have a full time manager, as well as two full or part-time office assistants, grounds keeper and full time security monitoring. He understands the concerns of the neighbors, and can understand that they cannot visualize what will be built. There are only six houses that will be affected and will see the fence that will be built around the facility. He does not plan to build anything that will be two or three story. He stated that Lawton is in need of additional storage.

Shoemate stated he supports progress in this community. He currently rents a storage facility and only visits that facility maybe once every two months. He does not think that the residents will see as much traffic once the construction on 38<sup>th</sup> Street is completed. He also feels that the noise will be kept at a minimum with a manager on site.

Mr. Jones stated that a ten-car day would be considered pretty heavy traffic. Once the facility gets full, there will not be much traffic. As for noise, the buildings will actually buffer noise off of Rogers Lane.

Mitchell questioned what type of screening Mr. Jones would be using.

Mr. Jones stated he would do everything required by the City of Lawton, which is a 6-foot fence for screening.

Haywood questioned if there would be signs posted to prevent loud music.

Mr. Jones stated his customers do not hang around the facility, but will come in, load or unload, and leave the property. He will post a sign saying that no loud noise will be tolerated. He stated the U.S. Government is trying to create a buffer zone around Fort Sill and he is sure they would appreciate his facility, which would have security cameras.

Evelyn Bryant, stated she lives on the corner next to the building. Her home will border on the side and behind the facility. She stated the property is a low area and they brought in very little dirt. It has not been filled in right. They have brought in big pieces of cement off of Rogers Lane to fill in the property.

Haywood stated that sewer rehab has also left pipes on that property.

Ms. Bryant stated that she has called the City several times when the sewer has overflowed.

PUBLIC HEARING CLOSED

MOVED by Shoemate, SECOND by Haywood, to approve Resolution No. 05-76 and Ordinance No. 05-20 waive the reading of the ordinance, reading the title only. AYE: Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: Patton. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-20

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to C-2 (Planned Neighborhood Shopping Center District) zoning classification on the tract of land located at 2901 NW 40<sup>th</sup> Street and more described as Section one authorizing changes to be made upon the official zoning map in accordance with this ordinance.

30. Hold public hearings and adopt resolutions declaring the structures at: 2023 SW Roosevelt Avenue, 504 SW G Avenue, 2332 NW Lincoln Avenue, 913 SW 36<sup>th</sup> Street, 1401 NW Baldwin Avenue, 1305 NW Lincoln Avenue, 1205 NW Gore Boulevard (Voluntary) to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Seven Resolutions.

2023 SW Roosevelt: Melissa Laycock, Neighborhood Services Supervisor, presented photographs of the property. She stated the property is in poor condition and is unoccupied. There have been no utilities since June 2003.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shanklin, to approve **Resolution No. 05-77** and declare the structure at 2023 SW Roosevelt to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

504 SW G Avenue: Laycock presented photographs of the property. She stated the property is a one-story fire damage wooden structure which was previously declared dilapidated by City Council in June of 2004. However, two mortgage holders were not notified. There have been no utilities since February 2002.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 05-78** and declare the structure at 504 SW G Avenue to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

2332 NW Lincoln: Laycock presented photographs of the property. She stated the property is a one-story fire damaged wooden structure. The structure was previously secured by Neighborhood Services in December 2004. There have been no utilities since October 2001.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shoemate, SECOND by Haywood, to approve **Resolution No. 05-79** and declare the structure at 2332 NW Lincoln to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate. NAY: None. MOTION CARRIED.

913 SW 36<sup>th</sup> Street: Laycock presented photographs of the property. She stated the property is a one story wooden frame with wood and brick siding. The structure was previously declared dilapidated by City Council in June of 2004. The owners were not properly notified. There have been no utilities since August 1999.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 05-80** and declare the structure at 913 SW 36<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.



1401 NW Baldwin: Laycock presented photographs of the property. She stated the property is a one-story mobile home with a fair condition metal frame, poor condition metal siding and poor condition vinyl roof. The structure is unoccupied and unsecured. This also includes the accessory structure. The structure was previously declared dilapidated by City Council in June 2004. One mortgage holder was not properly notified. There have been no utilities since September 2003.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Shoemate, to approve **Resolution No. 05-81** and declare the structure at 1401 NW Baldwin to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1305 NW Lincoln: Laycock presented photographs of the property. She stated the property is a one-story fire damaged wooden structure and accessory structures. The structure is unoccupied and unsecured. There have been no utilities since November 2002.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Patton, to approve **Resolution No. 05-82** and declare the structure at 1305 NW Lincoln to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1205 NW Gore: Laycock presented photographs of the property. She stated the property is a two-story multi family dwelling in poor condition. The owner requested the property be declared dangerous and dilapidated voluntarily. There have been no utilities since December 2002.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Drewry, to approve **Resolution No. 05-83** and declare the structure at 1205 NW Gore to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate. NAY: None. MOTION CARRIED.

31. Consider an ordinance amending Section 15-1-101, Article 15-1, Chapter 15, Lawton City Code, 1995, by deleting, adding and/or changing the definitions for junk vehicle and antique or classic vehicles and renumbering; amending Section 15-5-502, Article 15-5, Chapter 15, Lawton City Code, 1995, by changing the name, providing junk vehicles are prohibited within the City of Lawton unless located totally within a building or in connection with a business located within a properly zoned area, declaring the existence of junk vehicles a public nuisance, establishing a time limit for junk vehicles to be located on private or public property and deleting the section establishing a rebuttable presumption; providing for severability and establishing an effective date. Exhibits: Ordinance No. 05-\_\_\_\_.

Vincent stated this ordinance was part of the parking and paving ordinance which will be considered on item #32. City Council instructed staff to separate the two code provisions so they could consider junk vehicles as public nuisances different from the parking and paving ordinance.

Givens stated the City Council has been dealing with these issues for several months. There are many driveways that have deteriorated and are not considered hard surfaces. In many parts of town they never were hard surfaces. Most of those areas are in the poorer parts of town and estimates were coming in at \$6,000 or \$7,000 to redo the driveways. He felt that this was not fair, so that is why staff was asked to bring back separate ordinances so they can address each issue. This issue deals with those properties where cars are just piled up in the yard. This ordinance will address that issue by stating that those cars have to be running and tagged. It does not prohibit those residents who have cars that are collectibles, but deals with real junk vehicles.

Shanklin stated on section 108 of the ordinance low hanging limb means any limb, branch, twig or tree foliage situated eight feet or less above any sidewalk or fourteen feet or less above any street, alley, public way or utility easement. He questioned who would be taking those down.

Vincent stated these are the changes staff made at the request of City Council several meetings ago. This ordinance was passed changing the height limitation up from 10 to 14 . In certain instances, if they are over a sidewalk, the direction he recalls, is that the City would take care of tree limbs over streets and alleys. If over a sidewalk, it would be the homeowners responsibility. It is a dual issue.

Mayor Purcell stated this was passed last time, it is just in the same definition as junk vehicles.

Shanklin stated that if a limb is four feet he has to take it down himself, if fourteen feet the City will do it.

Vincent stated that it depends where the limb is located on the property. If it is located in an alley or over a street,

the City has said they will take it down. If it is low hanging over a sidewalk, the City can ask the homeowner to remove.

Shanklin stated if it is eight feet or less.

Vincent said that is correct.

MOVED by Givens, SECOND by Patton, to approve **Ordinance No. 05-21**, waive the reading of the ordinance, reading the title only and establish an effective date. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-21

An ordinance pertaining to nuisances and health amending Section 15-1-101, Article 15-1, Chapter 15, Lawton City Code, 1995, by deleting unnecessary definitions, adding definitions, changing the definition to broaden the definition of vehicle, clarifying the definitions for junk vehicle and antique or classic and renumbering; and amending Section 15-5-502, Article 15-5, Chapter 15, Lawton City Code, 1995, by changing the name, providing junk vehicles are prohibited within the City of Lawton unless located totally within a building or in connection with a business located within a properly zoned area, declaring the existence of junk vehicles a public nuisance, establishing a time limit for junk vehicles to be located on private or public property and deleting the section establishing a rebuttable presumption; providing for severability and establishing an effective date.

32. Consider an ordinance amending Section 15-5-503, Article 15-5, Chapter 15, Lawton City Code, 1995, by clarifying the prohibition of parking or storage of vehicles in residentially zoned districts or lots occupied by a dwelling unit and clarifying the specific exceptions and establishing conditions and limitations on the storage or parking in front and side yard areas; and repealing Section 15-5-505, Article 15-5, Chapter 15, Lawton City Code, 1995, providing for severability and establishing an effective date. Exhibits: Ordinance 05-\_\_\_\_.

Vincent stated this was the second part of the ordinance that was considered. This part comes back to Council as it was written the last time it came to Council. One of the things the Council was considering was an amortization period and different types of materials for the surfacing. No clear direction was given. Originally there was an amortization period of one year from the effective date of the ordinance, but other discussions were three years and five years. This ordinance is not in shape to be approved today unless the Council would like to pass as it is written, otherwise the Council needs to provide direction so that staff can make changes and bring back at a later date.

Patton stated he understood this would not affect anyone with a circle drive, but the 50% coverage of the front yard is limiting.

Vincent stated the 50% applies to the total yard area, not just the front yard.

Givens stated we have been allowing someone to put a dumptruck full of gravel on top of their yard and start parking on it. This ordinance is trying to prohibit this action. It does not prohibit someone who is putting in a legitimate permit issued circle drive. It does require a hard surface.

Shoemate stated he would like to see the Council consider grandfathering, because he is concerned about senior citizens or those on fixed incomes that cannot afford to put in a hard surface driveway.

Givens stated this would not affect their regular driveway. It will affect someone who is parking on gravel that has been put in their front yard.

Haywood stated he has surveyed his area and is concerned about those yards with two driveways.

Jackson stated in the Skyline area there are five-acre tracts with gravel driveways that extend behind the house. Those residents are not going to pave those areas to park their cars.

Mayor Purcell stated that in this ordinance the normal driveway is either one car or two cars wide. You can have gravel there if it was there before, it would be grandfathered in.

Vincent stated that has been discussed, but changes of that nature have not been made to this ordinance.

Givens stated that he stands corrected, he understood that staff was bringing back an ordinance that said it would not affect someone's driveway. He stated the Council requested an ordinance that would not allow parking on the front yard on gravel but would not affect someone's regular driveway that had deteriorated or was gravel.

Mayor Purcell stated that everyone is saying that this ordinance needs to grandfather in current gravel driveways,

but not if you have graveled your whole front yard.

Givens stated that residents should have amortization of one year to remove the gravel from the front yard.

Vincent stated staff would make those minor changes.

Haywood stated he would like to grandfather in businesses and churches as well.

Steve Ronio, 2408 NW 19<sup>th</sup> Street, stated he was confused. He has a single drive but has added to the side of that driveway. He has five vehicles. He cannot park on the street because of the vandalism, so they must be parked in drive. They are all running and have current tags. He cannot afford to pour concrete for a double driveway.

Mayor Purcell stated that those kinds of driveways would be grandfathered in.

Vincent stated the original driveway built with the house, if it has deteriorated or was gravel in the first place, will be grandfathered in and any additions would have to be brought up to code within a year.

Haywood stated he understood he could have a two-car driveway.

Vincent stated as he understands the direction from the Council, the original one car driveway will be grandfathered in no matter what the condition. Anything added on will have to be brought up to asphalt, paver stone, concrete or brick within one year of the date of passage of this ordinance.

Mr. Ronio stated he would have to pave his second driveway.

Mayor Purcell stated it is the width of the area. A normal driveway is eight feet wide. They could grandfather in a sixteen-foot wide drive.

Vincent stated a standard two-car driveway is eighteen feet wide.

Mayor Purcell stated they could grandfather in an eighteen feet driveway. He stated if everyone agrees, they can table this item and bring it back at a later date.

MOVED by Drewry, SECOND by Haywood, to table to June 14<sup>th</sup> meeting. AYE: Jackson, Shanklin, Patton, Haywood, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

33. Consider approving creation of a trust under the provisions of Title 60, Oklahoma Statutes, section 176 to 180.4, as amended and supplemented, to be named the Lawton Enhancement Trust Authority with the purpose of benefiting the City of Lawton by serving as a fair and impartial representative body responsible for administration, management, and expenditure of public and private funds entrusted to it exclusively for projects that will beautify and aesthetically enhance the appearance of the City of Lawton. Exhibits: Trust Indenture for LETA.

Givens stated that on two previous occasions he attempted to get an excise tax placed on all real estate transactions. On both occasions his attempt failed. The Mayor appointed a committee to look at how to finance beautification, in which he was appointed the Chairman. The committee met and had a few ideas, but they would like to have some kind of organization in place that would be able to handle those funds if they were to be found.

Lawton Beautiful could have been considered for that job, but that board is really not interested in handling any significant amount of money and is more interested in cleaning up rather than beautifying. He had previously asked the City Attorney to look at establishing a trust to handle any funds that might come in when looking at the excise tax issue. This establishes a trust authority very similar to the Airport Authority or Museum Authority.

Should funds be available, the trust will administer those funds and develop the program. The committee said that not only should the trust handle funds, but also establish a plan if they choose to follow a committee suggestion to ask residents to voluntarily put an additional \$1 on their water bill towards beautification. They need to have a plan in place so residents will know how the money will be used. The trust calls for eleven members, which would include a City Council person, a member of the County Commission, one from the Chamber and eight members that will be ward appointed. If the trust is formed, they will obtain 501.3c status.

Vincent stated that if the trust were approved, Council would have to approve a list of trustees. All of members appointed must be residents of Lawton.

Jackson questioned what would be the significance of having a County Commissioner on the Trust.

Givens stated that a committee member, Mike Brown, made that suggestion because there are joint economic development efforts with the county.

MOVED by Patton, SECOND by Givens, to approve the creation of a trust to be named the Lawton Enhancement Trust

Authority for the purpose of beautifying and aesthetically enhancing the appearance of the City of Lawton and authorize the Mayor and City Clerk to sign the Trust Indenture accepting the beneficial interest in said trust upon the appointment and qualification of the eleven (11) trustees as evidenced by their execution of the same Indenture. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

34. Consider adopting an ordinance adopting the latest revisions to the International Building, Residential, Plumbing, Mechanical, Fuel Gas Codes and the International Fire Code, amending Chapters 6 and 11. Exhibits: Ordinance No. 05-\_\_\_\_.

Mayor Purcell stated that a Code Review Committee was appointed by the Council to look at ordinances. The first item they looked at was this particular part of the ordinance. Over the course of six months the committee met, often without a quorum. The committee asked the Mayor to bring this item to the City Council suggesting that we adopt the international code. The state is in the process of requiring all cities to adopt the latest international code.

Vincent stated this item was not advertised as an emergency ordinance. It will go into effect in thirty days, so that staff can get notice out to the various contractors.

MOVED by Shanklin, SECOND by Drewry, to approve **Ordinance No. 05-22**, waive the reading of the ordinance, reading the title only and establish an effective date. AYE: Givens Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-22

AN ORDINANCE PERTAINING TO PUBLIC SAFETY AND THE FIRE DEPARTMENT AND SERVICES CODE AMENDING SECTIONS 6-1-1-101 THROUGH 6-1-1-106, DIVISION 6-1-1, ARTICLE 6-1, CHAPTER 6, LAWTON CITY CODE, 1995; REPEALING SECTIONS 6-1-1-109 THROUGH 6-1-1-118, DIVISION 6-1-1, ARTICLE 6-1, CHAPTER 6, LAWTON CITY CODE, 1995; AMENDING SECTIONS 6-2-1-201 THROUGH 6-2-1-203 AND 6-2-1-214, DIVISION 6-2-1, ARTICLE 6-2, CHAPTER 6, LAWTON CITY CODE, 1995; AMENDING SECTIONS 6-2-2-221, 6-2-2-222, 6-2-2-225, 6-2-2-226 AND 6-2-2-227, DIVISION 6-2-2, ARTICLE 6-2, 303, 6-3-1-305, 6-3-1-307 AND 6-3-1-309, DIVISION 6-3-1, ARTICLE 6-3, CHAPTER 6, LAWTON CITY CODE, 1995; AMENDING SECTIONS 6-3-2-331 AND 6-3-2-333 THROUGH 6-3-2-335, DIVISION 6-3-2, ARTICLE 6-3, CHAPTER 6, LAWTON CITY CODE, 1995; AMENDING SECTIONS 6-4-1-401 THROUGH 6-4-1-403 AND 6-4-1-406 THROUGH 6-4-1-409 AND CREATING SECTION 6-4-1-410, DIVISION 6-4-1, ARTICLE 6-4, CHAPTER 6, LAWTON CITY CODE, 1995; AMENDING SECTIONS 6-4-2-421 THROUGH 6-4-2-427, DIVISION 6-4-2, ARTICLE 6-4, CHAPTER 6, LAWTON CITY CODE, 1995; AMENDING SECTIONS 6-5-1-501 THROUGH 6-5-1-505, DIVISION 6-5-1, ARTICLE 6-5, CHAPTER 6, LAWTON CITY CODE, 1995; CREATING SECTIONS 6-5-2-221 THROUGH 6-5-2-225, DIVISION 6-5-2, ARTICLE 6-5, CHAPTER 6, LAWTON CITY CODE, 1995, BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2003 EDITION; INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION; INTERNATIONAL PLUMBING CODE, 2003 EDITION; NATIONAL ELECTRICAL CODE, 2005 EDITION; INTERNATIONAL MECHANICAL CODE, 2003 EDITION; INTERNATIONAL FUEL GAS CODE, 2003 EDITION; INTERNATIONAL EXISTING BUILDING CODE, 2003 EDITION AND INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION; AND PERTAINING TO FIRE DEPARTMENT AND SERVICES AMENDING SECTIONS 11-2-201 THROUGH 11-2-204 AND 11-2-207 THROUGH 11-2-212, ARTICLE 11-2, CHAPTER 11, LAWTON CITY CODE, 1995, BY ADOPTING THE INTERNATIONAL FIRE CODE, 2003 EDITION; PROVIDING FOR CODIFICATION, SEVERABILITY AND REPEALER.

Vincent stated there is an error in the title that was just read. Everywhere that the title reads Article, should read Section. Staff will make that change before the ordinance goes for signature.

Mayor Purcell recognized and thanked Mr. Ed Peterson who served as Chairman of the Code Review Committee and all the members who served.

35. Consider adopting a resolution to repeal Resolution No. 04-121 which established the Code Review Committee. Exhibits: Resolution No. 05-\_\_\_\_.

Mayor Purcell stated the first few meetings of this committee, which started in November, had good attendance. After those meetings, the committee could never get a quorum. He personally called three members who had missed numerous meetings, and asked if they still wanted to remain on the committee. All three indicated they did want to stay on the committee. Only one showed up at the next meeting. At that meeting the remaining members resigned. Mayor Purcell stated he is proposing that they eliminate the committee and go back to the old method, which is just requesting a member of the City Council bring an ordinance change before the Council.

MOVED by Givens, SECOND by Shoemate, to approve **Resolution No. 05-84** repealing Resolution No. 04-121 which established the Code Review Committee. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate, Givens. NAY: None. MOTION CARRIED.

## REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Givens asked City Council members to submit names to the Mayor for the Lawton Enhancement Trust Authority. He suggested that some Council members might want to appoint themselves.

Mayor Purcell questioned if Council Member Givens wished to be appointed as the representative from the City Council.

Givens stated yes.

Shanklin stated when the election of the Mayor Pro Tem occurred, he thought that historically the position was passed around to each member. He stated he was in error, that in fact he was the Mayor Pro Tem for two years, in 2000-2001 and 2001-20002. He requested street sweeper service in the 2700 block of E, H, I and J Streets.

Patton questioned if the noise ordinance has gone into effect.

Vincent stated that all of the ordinances are sent to department directors. The last time he checked, there have been about 14 tickets written under the new ordinance.

Patton stated that there should be a plan when all city vehicles get turned over in a timely basis. It seems that we are reactionary when budget time comes around. There should be a long-range plan in dealing with this issue.

Mayor Purcell asked Mitchell if the City Council could discuss this issue sometime during the budget process.

Haywood questioned how much it would cost to have an additional street sweeper.

Mayor Purcell stated they would discuss that issue at the next budget meeting.

Haywood stated there is a lot of gang activity in the community. He spoke with the Chief and they are working with the community. These gang members are from all over town, and something needs to be done.

Mayor reminded members of the budget workshop on Thursday, May 12 @ 6:30 pm and also the BRAC announcement on Friday, May 13 @ 3:30 at the airport. He reported there has been another major accident on the corner of East Gore and Laurie Tatum Road. One of these days they are going to have to do something about this problem.

Mitchell reported that a conservation easement program has been officially approved by the Department of the Army. He stated they have submitted a request for \$4 million to the Department of the Army for this issue. State grant money may also be available.

The Mayor and Council convened in executive session at 8:32 p.m. and reconvened in regular, open session at 8:59 p.m. Roll call reflected all members present.

## BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the law suit, in the Oklahoma County District Court, City of Lawton vs. Public Employees Relations Board and American Federation of State, County, and Municipal Employees, Case No. CJ-2004-9617. Exhibits: None

Vincent read the title of Item 36 shown above. He said the Council convened in executive session to discuss the lawsuit and said the Council discussed the current status of the case. Vincent said no action is required in open session.

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending applications of Meers-Saddle Mountain Ranch before the Oklahoma Water Resources Board, Stream Water No. 2003-41 and Ground Water Nos. 2003-598, 2003-599 and 2004-572, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of Item 37 shown above. He said the Council convened in executive session to discuss the pending applications and Council was brought up to date on the current status of those applications. Vincent said no action is required in open session.

38. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the law suit, in the U. S. District Court for the Western District Court of Oklahoma, styled Kevin D. Waters vs. City of Lawton, et al., Case No. 04-CV-1761-L. Exhibits: None

Vincent read the title of Item 38 shown above. He said the Council convened in executive session to discuss the lawsuit and said the Council discussed the current status of the case. Vincent said no action is required in open session.

39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of property which is necessary for the Flower Mound Road Project (Gore to Rogers Lane) #STP-116B(046) and if necessary, take appropriate action in open session. Exhibits: To be distributed to the Mayor and Council in Executive Session.

MOVED by Jackson, SECOND by Drewry, to authorize that the City Attorney make a offer to the Kiowa-Comanche-Apache Inter Tribal Land Use Committee and if accepted, return to the City Council for approval. AYE: Patton, Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:02 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK